

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

JACOB SMITH,

Petitioner,

vs.

BUTTE PRE-RELEASE and MIKE
THATCHER,¹

Defendants.

CV 20-18-H-BMM-JTJ

ORDER

United States Magistrate Judge John Johnston entered his Findings and Recommendations for a petition in this case on October 28, 2020 (Doc. 24.) Judge Johnston recommended that Smith's Petition for a Temporary Restraining Order and Temporary Injunction (Doc. 23) should be DENIED.

Neither party filed objections to the Findings and Recommendations. The parties have waived the right to de novo review thereof. 28 U.S.C. § 636(b)(1)(C). Absent objection, this Court reviews findings and recommendations for clear error. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left

¹ The case caption has been amended to reflect the addition of Defendants Butte Pre-Release and Mike Thatcher (Doc. 15) and the dismissal of Defendants Carter, Newman, Lucero, Bell, Bauer, the Parole Board, and the Montana Department of Corrections. (Doc. 16).

with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted). Reviewing for clear error and finding none,

IT IS ORDERED that Judge Johnston’s Findings and Recommendations (Doc. 24) are **ADOPTED IN FULL**.

DATED this 24th day of November, 2020.



Brian Morris, Chief District Judge
United States District Court